PREPARED BY:
Stuart E. Duncan
Duncan & Hatcher
701 Market Street, Suite 1000
Chattanooga, Tennessee 37402

Davidson County DEEDTRS
Recvd: 12/09/04 08:23 2pgs
Fees:13.00 Taxes:759.76
20041209-0146604

SEND TAX NOTICE TO:
Grantee- Western United Life Assurance Company
P.O. Box 14C, 4424 N Sullivan Road
Spokane Valley, WA 99216
MAP GROUP AND PARCEL NUMBER: 42-8-12

TRUSTEE'S DEED

WHEREAS, a Deed of Trust was executed by Linda Heist, to Bobby D. Davis, Trustee, dated March 30, 2002, of record as **Instrument No 20020709-0082578** and the present owner and holder of the indebtedness being Western United Life Assurance Company, by Assignment of Deed of Trust executed on June 18, 2004 as **Instrument No. 20040618-0072375,** and recorded in the Register's Office of Davidson County, Tennessee and

WHEREAS, under the terms of said Deed of Trust, Stuart E. Duncan was appointed substitute trustee on November 1, 2004 which is recorded as **Instrument No. 200411010130514** in the Register's Office of Davidson County, Tennessee; and

WHEREAS, default has been made in payment of installments maturing on the above described promissory note and in performance of the covenants contained in the Deed of Trust by reason of which the entire balance owing thereon was declared due and payable, the default being made in payment thereof, and such default continuing; and

WHEREAS, by virtue of the power and authority vested in him as substitute trustee, the said Stuart E. Duncan, at the request of the owner of said note, and for the purpose of effecting payment in satisfaction thereof, principal and interest, attorney's fees and costs of sale, pursuant to the advertisement published in *The Nashville Record,* a newspaper published and of general circulation in Davidson County, Tennessee, in its issues of November 11, 2004, November 18, 2004, and November 25, 2004 offered for sale and sold on December 3, 2004 at 10:00 a.m., at public outcry to the highest and best bidder for cash at the courthouse in the City of Nashville, Davidson County, Tennessee, in bar of the equities of redemption, dower and homestead, the hereinafter described real estate, at which sale, Western United Life Assurance Company being the highest and best bidder, and for the sum of **TWO HUNDRED FIVE THOUSAND THREE HUNDRED FORTY ONE AND 56/100 DOLLARS ($205,341.56)** became the purchaser thereof.

NOW THEREFORE, Stuart E. Duncan, substitute trustee, exercising the power and authority vested in him, and in bar of the equities of redemption, dower and homestead, does

hereby sell, transfer and convey unto **Western United Life Assurance Company**, the following described property located at: **350 Nesbitt Lane, Madison, TN 37115**, and more particularly described as follows:

Being lot No. 136 on the Plan of Madison Meade, Section 2, as of record in Book 3700, Page 107, Register's Office for Davidson County.

Beginning at a point in the easterly margin of Grayland Drive at the common corner of Lots 136 and 137, thence with the margin of said Drive, southerly 155 feet to a monument in the beginning of a curve; thence around said curve, southeasterly 39.27 feet to a monument in the northerly margin of Nesbitt Lane; thence with the same easterly 198 feet to a point; thence leaving said Lane northwardly 180 feet to the common rear corner of Lots 136 and 137; thence with the line between said lots, westerly 223 feet to the point of beginning.

Being the same property conveyed to W.J. Fillmore by deed of record in Book 8020, page 100, **Register's Office for Davidson County, Tennessee.**

THIS CONVEYANCE is made subject to any and all prior unpaid mortgages and liens, zoning regulations, building restrictions and setback lines, restrictive covenants, if any, and easements and rights for public utilities applicable to this property, and real estate taxes which may be outstanding and due as of date of sale.

TO HAVE AND TO HOLD the said described real estate unto Western United Life Assurance Company, its successors and assigns forever in fee simple.

IN WITNESS WHEREOF, Stuart E. Duncan, substitute trustee, has caused this instrument to be executed on this the 6th day of December 2004.

STUART E. DUNCAN-Substitute Trustee

STATE OF TENNESSEE)
COUNTY OF HAMILTON)

Personally appeared before me, notary public of said county, STUART E. DUNCAN, Substitute Trustee for Western United Life Assurance Company, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained as Substitute Trustee.

Witness my hand, at office, this the 6th day of December 2004.

Notary Public My Commission Expires: September 10, 2005

I swear that the actual consideration for this transfer or value of the property transferred, whichever is greater, is **$205,341.56** which amount is equal to or greater than the amount which the property transferred would commend at a fair and voluntary sale.

Affiant

Sworn to and subscribed before me this 6th day of December 2004.

Notary Public My Commission Expires: September 10, 2005